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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,344

04/29/2004

Georg Reinbold

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EXAMINER

LEE, LAURA MICHELLE

ART UNIT

PAPER NUMBER

3724

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DELIVERY MODE

05/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/709,344	Applicant(s) REINBOLD ET AL.	
	Examiner LAURA M. LEE	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4-12 and 15.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-12 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed 2/13/2008 in which claims 4-12, and 15 are pending, and claim 15 is currently amended.

Response to Arguments

2. Applicant's arguments with respect to claims 4-12 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. Claims 4-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray (U.S. Publication 2002/0069937) in view of DE19950216. Murray discloses a method for sawing pieces of wood in a sawing station, the method comprising the steps of: a. measuring the pieces of wood in a measuring station (paragraph [0038], lines 7-10);

b. sequentially transporting on a transport device (infeed conveyor, 14) the pieces of wood (12) from the measuring station to a sawing station (saw, 26) and scanning (photocell 28) a position of each of the pieces of wood during transport on the transport device from the measuring station to the sawing station and sending input signals of the scanned position to a control unit (paragraph [0037];

c. cutting the pieces of wood (12) in the sawing station (26) in a transverse direction (see Figure 1) that is transverse to a transport direction of the pieces of wood

in the sawing station while the pieces of wood are stopped briefly (paragraph [0038], last nine lines) to allow cutting in the transverse direction into at least two sections based upon measured results taken in the step a) (paragraph [0038], lines 7-10, and lines 63-end of paragraph) and monitoring a saw position (via log diameter information; see paragraphs [0039 and 0040], especially lines 14-24 of paragraph 0039) of a saw in the sawing station and sending input signals of the saw position to the control unit;

d) recalculating and variably adjusting, based upon the input signals of step b) and step c), a feeding velocity of the pieces of wood during transport according to step b) such that sequentially transported pieces of wood have minimal spacing relative to one another (i.e. increased throughput). Paragraph [0041] states that the infeed conveyor 14 can continue to feed during the intervals that feed rolls 18,19, 20 and 21 are stopped or can be coordinated with the feed rolls to stop and go in conjunction with them. As the velocity of the feed roll changes between at least a constant velocity and no velocity, it is at least variably adjusted based upon the speed of the feed rolls 18, 19, 20 and 21, of which speed is dependent upon the monitoring of the saw position inferred by the information conveyed by the TEMPOSNIC positioner and encoder 81, of which is depended upon the desired pre-scanned cut positions.

However, although Murray discloses that the purpose of the invention is to improve throughput speed by closing gaps between workpieces, there is no mention of how quickly the system operates and thus no mention of positioning a secondary piece of wood into a sawing station while the first piece of wood is still being cut. However, attention is directed to reference DE19950216. '216 discloses a conveyor system,

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which similarly to the Murray hourglass roll, 16 and feed rolls, 18,19,20 and 21, elevates a preceding workpiece onto a raised conveyor. '216 discloses that this system is for maximizing the conveying through-put of the workpieces and that through a suitable time control of the conveying components by means for the program control unit 38, the distance in the conveying direction between the rear end of the boards running ahead to the front ends of the boards running behind can be adjusted to be as small as desired, and can even be zero in the extreme case (see last paragraph). As both Murray and '216 both desire to increase throughput speed of the workpiece and as '216 discloses the idea of running the workpieces so that the gap between them is as small as desired, even zero, it would have been obvious to one having ordinary skill in the art at the time of the invention to have controlled the variable speed conveyor to have operated such that there was as minimal distance between the workpieces and as such that the following workpiece would have been positioned on the hourglass, as the first workpieces was exiting the sawing station.

In regards to claim 4, the modified device of Murray discloses wherein the feeding velocity of the second piece of wood is continuously recalculated (based upon the speed of the feed rolls, 18,19, 20 and 21).

In regards to claim 5, the modified device of Murray discloses wherein the step of scanning (monitoring by photocell 28) in step b is done continuously and wherein the control unit recalculates the feeding velocity (stop and go) based upon the continuously scanned pieces of wood.

In regards to claim 6, the modified device of Murray discloses wherein a feeding velocity of the second piece of wood is controlled so as to minimize a distance between the first and second pieces of wood (i.e. variable feed conveyor; paragraph [0038] and see paragraph [0041]).

In regards to claim 7, the modified device of Murray discloses wherein in step a) a length of the pieces of wood is measured (i.e. a length of the defect; paragraph 003).

In regards to claim 8, the modified device of Murray discloses wherein in step a) defects of the pieces of wood is measured (paragraph [0003]).

In regards to claim 9, the modified device of Murray discloses the step of saving the measured results (see paragraph [0037]).

In regards to claim 10, the modified device of Murray discloses wherein in the measured results are used for recalculating and variable adjusting the feeding velocity according to step d (paragraphs [0038-0041]).

In regards to claim 11, the modified device of Murray discloses wherein in step b) the pieces of wood are supplied without interruption to the sawing station (along infeed conveyor , 14).

In regards to claim 12, the modified device of Murray discloses the step of decoupling a drive for transporting the pieces of wood to the sawing station from a drive of the sawing station (as the log is transferred from the conveyor 14 to the hour glass roll 16).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA M. LEE whose telephone number is (571)272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura M Lee/
Examiner, Art Unit 3724
05/11/2008
/Boyer D. Ashley/
Supervisory Patent Examiner, Art Unit 3724